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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

10 UNITED STATES OF)
11 AMERICA) NO. CR-05-149-FVS
12 Plaintiff,) DECLARATION OF CARL J.
13) ORESKOVICH
14 v.)
15 SCOTT J. WALLS,)
16 Defendant.)

19 I am the attorney representing Scott Walls in this
20 matter.

In July, 2005, by agreement, Mr. Walls was charged in a Bill of Information with conspiracy to commit copyright infringement, in violation of Title 18, United States Code, Sections 371 and 2319(a), and Title 17, United States Code, Section 506(a)(1). The

Information was filed in United States District Court,
Western District of North Carolina, Charlotte Division,
under Docket No. 3:05cr289-Mu.

Again, by agreement, the case was transferred pursuant to Federal Criminal Procedure Rule 20 to the Eastern District of Washington. The case was transferred in anticipation of arriving at a Plea Agreement following transfer and the entry of a plea in the Eastern District of Washington.

I have been in contact with Mr. Eric Klumb and Mr. Corbin Weiss with the Computer Crimes Division of the Department of Justice in Washington, D.C. We are attempting to complete the negotiations on the Plea Agreement. However, there are two areas of concern that need to be refined and resolved. This case involves complex analysis of the amount of the foreseeable loss due to the conspiracy. On Tuesday, October 18, 2005, I spoke to Mr. Klumb concerning the Justice Department's calculation of loss. Mr. Klumb has agreed to Federal Express to me discovery related to that calculation as well as documents related to the

1 upload and download of information found on Mr. Walls'
2 computer during the Government's search in April, 2004.

3 The second issue involves the determination of
4 substantial assistance. Mr. Walls has always been very
5 cooperative with the Government and has been willing to
6 enter a guilty plea to an appropriate charge. However,
7 before we can enter a plea, we must finalize these two
8 issues for the Plea Agreement.
9

10 I have also discussed this Motion with Mr. Russell
11 Smoot, the AUSA who is handling this case in the
12 Eastern District of Washington. Mr. Smoot has
13 authorized me to represent that he has no objection to
14 this motion.
15

16 When my office previously talked with Court staff,
17 November 15, 2005 was an available date for hearing. I
18 would like to advise the Court that I have two criminal
19 trials set for November 14, 2005, one in Whitman County
20 and one in Spokane County. I expect to be in trial in
21 one of those jurisdictions the week of November 14.
22

23 I am not filing this motion to delay the entry of
24 the plea. I believe that a Plea Agreement will be
25 negotiated. However, I need the Government's discovery
26

on loss computation to be able to finalize negotiations.

Filed contemporaneously with the Defendant's motion to continue the plea hearing is a Waiver of Speedy Trial. I have advised Mr. Walls of his speedy trial rights and believe that the waiver is done knowingly and voluntarily.

/s/Carl J. Oreskovich
CARL J. ORESKOVICH, WSBA 12779
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CERTIFICATE OF SERVICE

THE UNDERSIGNED hereby certifies that on the 20th day of October, 2005, I electronically filed the following pleading:

Declaration of Carl J. Oreskovich

and caused it to be electronically mailed to the following counsel:

Russell Smoot
usa-wae-rsmoot@usdoj.gov

/s/Carl J. Oreskovich
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